

No. 4284-4 Lab-74/16358.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s. Delhi Pulp Industries, Packing Division, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 80 of 1973

between

SHRI MOOL CHAND WORKMAN AND THE MANAGEMENT OF M/S DELHI PULP
INDUSTRIES, PAKING DIVISION, FARIDABAD

Present :

Shri Amar Singh, for the workmen.

Shri D. C. Bhardwaj, for the management.

AWARD

By order No. ID/FD/73/19312, dated 26th March, 1974 of the Governor of Haryana, the following dispute between the management of M/s Delhi Pulp Industries (Packing Division), Faridabad and its workman Shri Mool Chand was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Mool Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference the parties were called upon to put in their pleadings. The workman reiterated his claim for reinstatement and payment of back wages contending that his services have been illegally terminated by the management. On the other hand the management pleaded that, as a matter of fact, this workman had absented himself from duty without any proper authorisation and after waiting for considerable period his name had to be struck off the rolls in accordance with the Certified Standing Orders of the company. The following two issues arose for determination in the case.

- (1) Whether it is a case of self abandonment of service of the workman concerned resulting into loss of lien on the job held by him? (on management)
- (2) Whether the termination of services of Shri Mool Chand was justified and in order? If not, to what relief is he entitled?

The management has examined its Time Keeper who has proved the entries in the attendance register showing this workman to have remained absent from duty from 3rd September, 1972 to 30th September, 1972. Certain letters written to him asking for joining his duty have also been proved.

It is, however, not necessary to go into the merits of the case as the management has made an offer to take this workman back on duty as a helper at Rs. 120/- P.M., "which he was already getting" in the Pasting Department with continuity of his previous service provided he reports for duty within a week from today. It has further been agreed that if and when the Punching Machine is put into operation this workman will be given the first preference to work on this machine. The management has further undertaken to pay to him other benefits, if any due which might have been earned by other workers, taking into consideration the continuity of his previous service. The intervening period of his absence from duty has to be treated as leave without pay. The workman has accepted the above terms willingly and agreed to report for duty within the prescribed period of 7 days.

The award is, therefore, made in terms of the above settlement amicably arrived at between the parties. The management shall reinstate this workman with continuity of his previous service as a helper in the Pasting Department at Rs. 120/- P.M. provided he reports for duty within a period of one week from today failing which he would forfeit his right to reinstatement or re-employment. The intervening period of absence from duty shall be treated as leave without pay. The management would be liable to pay to him other benefits he may be entitled keeping in view the continuity of his previous service as might have been given to the other workers in the concern. There shall be no order as to costs. If and when the Punching Machine is operated this workman will be given first preference to work in that machine as agreed.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 8th May, 1974.

Endst. No. 812, dated the 8th May, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 8th May, 1974.